

KIRTON LAW FIRM

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May 10, 2021

VIA ELECTRONIC FILING

So ordered.

Honorable Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10007

/s/ Hon. Alvin K. Hellerstein
May 10, 2021

Re: *United States v. Harvey Foster, 20 cr. 631 (AKH)*

Dear Judge Hellerstein:

I represent Harvey Foster. The Hon. Sarah Netburn granted bail on December 11, 2020. The defense requests a brief modification of his bail conditions to allow Mr. Foster to sit for a medical procedure on May 12, 2021. The prior MRIs were rescheduled.

This Court granted the following bail conditions:

1. \$100,000 personal recognizance bond co-signed by two financially responsible persons, the surrender of passports, no new applications, travel restricted to the Southern and Eastern Districts of New York, pretrial supervision, drug testing/treatment as directed by Pretrial Services, defendant not to possess a firearm or any destructive device, curfew and GPS monitoring, the defendant is prohibited from any contact with co-defendants except in the presence of counsel, Pretrial Services will establish an exclusion zone, defendant to report to Pretrial Services on Monday, December 14, 2020, by 12:00 p.m. to receive and self-install GPS equipment, remaining conditions to be met by December 18, 2020.

Mr. Foster has been compliant with the conditions of his release. Mr. Foster is still a resident at the Striver House drug treatment program. According to his primary counselor, Lea Potter,

Mr. Foster is scheduled for an MRI on Wednesday, May 12, 2021, at 7:30 a.m.¹ The procedure will occur at Mount Sinai Hospital, located at 1000 10th Avenue New York, NY. Mr. Foster needs his GPS monitor removed for the MRI to be completed. The defense requests that the device be removed by Pretrial Services to allow him to sit for the MRI. Pretrial Services will reattach the device upon Mr. Foster's release from the hospital. I have the consent of the Government for this request.

Please contact me if you have any questions or concerns.

Sincerely,

s/Marlon G. Kirton
Marlon G. Kirton, Esq.

cc: Andrew Rohrbach, Assistant United States Attorney (via electronic mail)
Alexander Li, Assistant United States Attorney (via electronic mail)
Ryan B. Finkel, Assistant United States Attorney (via electronic mail)

¹¹ The prior MRIs were rescheduled.